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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,450	07/17/2003	Tadashi Tanaka	086142-0567	9170

22428 7590 06/17/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,450

Applicant(s)

TANAKA ET AL.

Examiner

Ruth Ilan

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/17/03 and 12/12/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 1 is objected to because of the following informalities: In claim 1, line 2 "in" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Boxey (US 6,237,938.) Boxey teaches a vertically extending guide member (50) for guiding a curtain airbag. The guide member includes a mooring section (172, see Figure 4) that is formed by a bend of the guide member and that prevents the ends of deployed curtain airbag from returning upward.

5. Claim 4 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kalandek et al. (US 2003/0080541 A1.) See Figures 5 and 6.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boxey (US 6,237,938 B1) in view of Hosoda et al. (US 5,951,046.) Boxey is discussed above, and additionally teaches a section of the guide member that is configured to be permanently fixed to the vehicle (82) and has openings (88) for fasteners to pass through. Boxey fails to teach a temporary tacking section that extends in a direction generally perpendicular to the longitudinal guide member. Hosoda et al. teaches that it is known to include a temporary tacking section on an element that is to be vertically installed on a vehicle pillar, and that such a section includes a perpendicularly extending hook shaped element (5 or 11, 12, or 13, see Figures 2 or 6-8) that is inserted into a hole in the vehicle structure. Hosoda et al. further teaches that such a device is useful because it allows the element to be temporarily held in place prior to permanent installation (see throughout.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include a temporarily

tacking section, as taught by Hosoda et al. to the guide member of Boxey in order to make installation of the guide easier.

8. Claims 1-3, and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek et al. (US 2003/0080541) in view of Hosoda et al. (US 5,951,046.) Kalandek et al. teaches a vertically extending guide member including a curved section that includes a 90° bend (122, see Figures 5 and 6) which the broadest reasonably interpretation can consider a loop. The guide member is a pipe and includes a section that is configured to be permanently attached (74a for instance) and that has openings for fasteners to fit through. Kalandek et al. fails to teach a temporary tacking section that extends in a direction generally perpendicular to the longitudinal guide member. Hosoda et al. teaches that it is known to include a temporary tacking section on an element that is to be vertically installed on a vehicle pillar, and that such a section includes a perpendicularly extending hook shaped element (5 or 11, 12, or 13, see Figures 2 or 6-8) that is inserted into a hole in the vehicle structure. Hosoda et al. further teaches that such a device is useful because it allows the element to be temporarily held in place prior to permanent installation (see throughout.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include a temporarily tacking section, as taught by Hosoda et al. to the guide member of Kalandek et al. in order to make installation of the guide easier.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmidt and Tokugawa teach temporary tacking devices of interest.

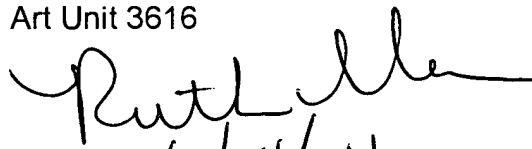
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI
6/14/04

Ruth Ilan
Primary Examiner
Art Unit 3616



6/14/04